

Detention Order (#11), 3:16mj137. In this appeal, defendant challenges the magistrate judge's conclusion that he is a flight risk or a danger to the community.

In accordance with 18 U.S.C. § 3145(c), the court has promptly considered the appeal from such detention Order. The Bail Reform Act of 1984 (hereinafter "the Act") authorizes and sets forth the procedures for a judicial officer to order the release or detention of an arrested person pending trial, sentence, and appeal. In order to detain a defendant pending trial, the judicial officer must "find[] that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." *Id.* § 3142(e). The factors to be considered in determining whether to release a defendant pending trial are set forth in section 3142(g).

Those factors include:

(1) nature and circumstances of the offenses charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person, including family ties, the person's character, ties to the community, and criminal history; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

United States v. Stewart, 19 Fed. Appx. 46, at 48 (4th Cir. 2001). The court has reviewed the written Order and conducted a *de novo* review of the detention issue. On May 20, 2016, the court held an evidentiary hearing.

The court concludes that while all witnesses for the government and for the defendant were credible, the evidence presented indicated that defendant had stored illegal weapons and materials for making bombs including powdered explosives and "det. cord," that he had purportedly renounced his United States citizenship, that he possessed documents that on their face appear to be non-government issued identification documents

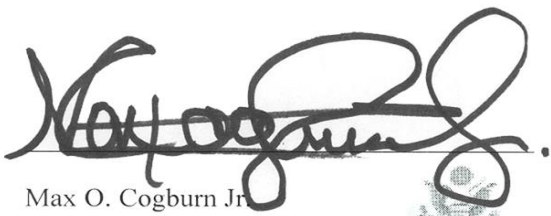
and which were intended to deceive others including law enforcement and border crossing agents, and that he had secreted assets. It further appeared that while defense witnesses believed defendant to be a peaceful member of the community, they were unaware of his allegedly unlawful activities.

After *de novo* review, and having considered the Section 3142(g) factors, this court concludes that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. .

ORDER

IT IS, THEREFORE, ORDERED that defendant's Appeal of Detention Order (#13) is **DISMISSED**, the Order of Detention (#11) is fully **AFFIRMED**, and after *de novo* review the court orders defendant's continued detention pending trial for the reasons discussed herein and at the May 20, 2016, hearing.

Signed: May 20, 2016



Max O. Cogburn Jr.
United States District Judge